# TENT COOPERATION TREATY

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## **PCT**

# INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

REC'D 2 1 JUL 2005

(PCT Article 36 and Rule 70)

WIPO PCT

Applicant's or agent's file reference					
022255.0033P	FOR FURTHER ACTION	See Form PCT/IPEA/416			
International application No.	International filing date (day/month/year				
PCT/US04/00599	08 January 2004 (09 01 2004)	(way/moningear)			
International Patent Classification (IPC) of	r national classification and IPC	08 January 2003 (08.01.2003)			
IPC(7): F16L 21/06 and US Cl.: 285/243, 322, 369, 374					
Applicant					
CALIFORNIA MARINE TECHNOLOGI	CALIFORNIA MARINE TECHNOLOGIES, LLC				
1. This report is the international preliminary examination report, established by this International Prelimin Examining Authority under Article 35 and transmitted to the applicant according to Article 36					
2. Inis REPORT consists of a	2. This REPORT consists of a total of 2 sheets, including this cover sheet.				
3. This report is also accompa	3. This report is also accompanied by ANNEXES, comprising:				
a. (sent to the applican	a. (sent to the applicant and to the International Bureau) a total of sheets, as follows:				
this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions)					
sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.					
b. (sent to the Internation	onal Bureau only) a total of (indicate t	Type and number of electronic carrier(s)			
indicated in the	b. (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).				
4. This report contains indication	ons relating to the following items:				
1 1/1	s of the report	·			
Box No. II Prior	rity				
Box No. III Non-	establishment of opinion with regard cability	to novelty, inventive step and industrial			
1 1	of unity of invention				
Box No. V Reas					
Box No. VI Certain documents cited		mations supporting such statement			
Box No. VII Certa	in defects in the international applicat	ion			
Box No. VIII Certa	in observations on the international ap	pplication			
Date of submission of the demand		Date of completion of this report			
13 July 2005 (13.07.2004)	23 May 2005 (2)	23 May 2005 (23.05.2005)			
Name and mailing address of the IPEA/ US	Authorized office				
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International ation No.
PCT/US04/00599

	Box No. I Basis of the report
	1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
	This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
	international search (under Rules 12.3 and 23.1(b))
	publication of the international application (under Rule 12.4)
	international preliminary examination (under Rules 55.2 and/or 55.3)
	2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):
	the international application as originally filed/furnished
	the description:
	pages 1-5 as originally filed/furnished
- }	pages* received by this Authority on
ľ	pages* received by this Authority on
	pages 6-7 as originally filed/furnished pages* as amended (together with any statement) under Article 19
	Pages received by this Authority on
	pages* received by this Authority on
	the drawings:
	pages as originally filed/furnished
	pages* received by this Authority on
	received by this Authority on
	a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.
3	The amendments have resulted in the cancellation of:
	the description, pages
	the claims, Nos
	the drawings, sheets/figs
	the sequence listing (specify):
	any table(s) related to the sequence listing (specify):
4.	
	the description, pages
	the claims, Nos
	the drawings, sheets/figs
	the sequence listing (specify):
	any table(s) related to the sequence listing (specify):
*	f item 4 applies, some or all of those sheets may be marked "superseded."
Forn	PCT/IPEA/409 (Box No. I) (January 2004)

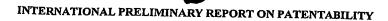


International application No. PCT/US04/00599

Box No. V	.V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement			
1. Statemen				
N	lovelty (N)	Claims NONE	YES	
		Claims 1-16	NO	
In	ventive Step (IS)	Claims NONE	YES	
		Claims 1-16	NO	
In	dustrial Applicability (IA)	Claims 1-16	YES	
		Claims NONE	NO	
		Commo Monte	N	

2. Citations and Explanations (Rule 70.7) Please See Continuation Sheet

Form PCT/IPEA/409 (Box No. V) (January 2004)



International application No.

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#### Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

The drawings are objected to under PCT Rule 66.2(a)(iii) as containing the following defect(s) in the form or content thereof:

Reference numerals 1, 24A, 24B, 26A, and 26B mentioned in the description are absent from the drawings.

In Figure 1, the lead line just below reference numeral 2 has no numeral associated therewith.

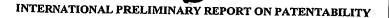
The description is objected to as containing the following defect(s) under PCT Rule 66.2(a)(iii) in the form or contents thereof:

On page 3 lines 4, 7, and 10, "0" should be replaced with "0".

On page 23, "inter" should be replaced with "inner".

Claims 12-16 are objected to under PCT Rule 66.2(a)(iii) as containing the following defect(s) in the form or contents thereof: In claim 12 line 1, the phrase "having a" should be deleted.

Form PCT/IPEA/409 (Box No. VII) (January 2004)



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Box )	No.	VIII	Certain	observations	on the	international	application
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The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

The drawings are objected to under PCT Rule 66.2(a)(v) as lacking clarity under PCT Article 7 because:

The drawings are objected to under PCT Rule 66.2(a)(v) as lacking clarity under PCT Article 7 because:

In Figure 1, it is apparent that the middle portion of the coupling should be depicted as open, and not solid as shown (in cross-hatching). Similarly, in Figures 1 and 2, the tube insert should be shown as open, and not solid (cross-hatched).

Form PCT/IPEA/409 (Box No. VIII) (January 2004)

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Sup	plementa	Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

#### V. 2. Citations and Explanations:

Claims 1, 4-5, 8-9, 11-12, and 14-16 lack novelty under PCT Article 33(2) as being anticipated by Salomon-Bahls et al (US 6,170,887).

With respect to claim 1, Salomon-Bahls et al discloses an insert (8) in a push-in type tube coupling having a primary seal (38), the insert sized and dimensioned to fit in a lumen of a tube (2) to be inserted into the coupling, and the insert having at least one secondary seal (24).

With respect to claim 4, further comprising a chamfered base that facilitates insertion of the insert into the coupling.

With respect to claim 5, further has a mechanism (see Figure 2 for example) that impedes accidental removal of the insert from the coupling.

With respect to claim 8, wherein the at least one secondary seal comprises a circumferential boss.

With respect to claim 9, wherein the insert is integrally formed as part of the coupling. The insert has been interpreted as integral inasmuch as it is fixedly and rigidly attached to the coupling.

With respect to claim 11, Salomon-Bahls et al discloses a push-in type coupling system, comprising a body with (a) at least one sleeve that receives an end of a length of tubing (2), (b) a primary seal (38), and (c) a tubing insert (8) that is movable within the body.

With respect to claim 12, further comprising the tubing insert having a secondary seal (24).

With respect to claim 14, wherein the secondary seal comprises a boss circumferentially disposed about a portion of the insert.

With respect to claim 15, wherein the secondary seal is juxtaposed between the insert and a wall of the sleeve.

With respect to claim 16, wherein the secondary seal is juxtaposed between the insert and a wall of the tubing.

Claims 1-7, 10-13, and 15-16 lack novelty under PCT Article 33(2) as being anticipated by Viegener (CH 667 317).

With respect to claim 1, Viegener discloses an insert (6) in a push-in type tube coupling having a primary seal (one of the three orings shown), the insert sized and dimensioned to fit in a lumen of a tube (1) to be inserted into the coupling, and the insert having at

Form PCT/IPEA/409 (Supplemental Box) (January 2004)

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#### Supplemental Box

least one secondary seal (the other two of the three o-rings shown).

With respect to claim 2, having at least two secondary seals.

With respect to claim 3, further comprising a base and a shaft, wherein one of the at least two secondary seals is disposed around the base, and another of the at least two secondary seals is disposed around the shaft.

With respect to claim 4, further comprising a chamfered base that facilitates insertion of the insert into the coupling.

With respect to claim 5, further has a mechanism that impedes accidental removal of the insert from the coupling.

With respect to claim 6, wherein the mechanism comprises a base having a shoulder (insert flange) that cooperates with a retaining ring (9) of the coupling to impede accidental removal of the insert from the coupling.

With respect to claim 7, wherein the primary seal and at least one secondary seal comprise "O" rings.

With respect to claim 10, wherein the insert is a separate piece housed within the coupling.

With respect to claim 11, Viegener discloses a push-in type coupling system, comprising a body (2) with (a) at least one sleeve that receives an end of a length of tubing (1), (b) a primary seal (one of the three o-rings shown), and (c) a tubing insert (6) that is

With respect to claim 12, further comprising the tubing insert having a secondary seal.

With respect to claim 13, wherein the secondary seal comprises an "O" ring.

With respect to claim 15, wherein the secondary seal is juxtaposed between the insert and a wall of the sleeve.

With respect to claim 16, wherein the secondary seal is juxtaposed between the insert and a wall of the tubing.

Claim 9 lacks an inventive step under PCT Article 33(3) as being obvious over Viegener (CH 667 317).

Viegner fails to teach that the insert is formed integral with the coupling. Nevertheless, especially since Applicant offers forming the insert integral with the coupling as a mere alternative, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form Viegener's insert integral with the coupling (as by bonding or other attachment means) as a matter of

Claims 1-16 meet the criteria set out in PCT Article 33(4), and thus meets industrial applicability because the subject matter claimed can be made or used in industry.